

ARMY BOARD FOR CORRECTION OF MILITARY RECORDS

RECORD OF PROCEEDINGS

IN THE CASE OF: [REDACTED]

BOARD DATE: 23 January 2025

DOCKET NUMBER: AR20240003655

APPLICANT REQUESTS: in effect, correction of DD Form 214 (Certificate of Release or Discharge from Active Duty) for the period ending 16 October 2020 to reflect continuous service through 23 June 2021.

APPLICANT'S SUPPORTING DOCUMENTS CONSIDERED BY THE BOARD:

- DD Form 149 (Application for Correction of Military Record)
- Department of the Army Mobilization Processing System (DAMPS) audit screen
- Mobilization Orders 29-211-0006 and three amendment orders issued by the State of North Carolina, Office of The Adjutant General, Raleigh, NC
- Temporary Change of Station (TCS) Orders BL-283-0139 and three amendment orders issued by U.S. Army Installation Management Command, Headquarters, U.S. Army Garrison, Fort Bliss, Fort Bliss, TX
- North Atlantic Treaty Organization (NATO) Travel Orders BL-283-0139(N) issued by U.S. Army Installation Management Command, Headquarters, U.S. Army Garrison, Fort Bliss, Fort Bliss, TX
- Orders: MM-0224-00014 issued by Headquarters, U.S. Army Medical Command, Fort Sam Houston, TX
- Orders: NG-0307-00007 issued by National Guard Bureau (NGB), Army National Guard (ARNG), Arlington, VA
- Orders: NG-1056-00005 issued by NGB, ARNG, Arlington, VA
- NGB, Arlington, VA memorandum, Subject: Line of Duty (LOD) Determination [The applicant]
- DD Form 214, for the period ending 16 October 2020
- NGB Form 23A (ARNG Current Annual Statement)
- State of North Carolina, Department of Public Safety, Joint Force Headquarters, North Carolina National Guard memorandum, Subject Request to Expedite Army Board for Correction of Military Records (ABCMR) in the Restoration of Medical Benefits, Pay and Allowances

FACTS:

1. The applicant did not file within the 3-year time frame provided in Title 10, U.S. Code, section 1552(b); however, the Army Board for Correction of Military Records

(ABCMR) conducted a substantive review of this case and determined it is in the interest of justice to excuse the applicant's failure to timely file.

2. The applicant states, in effect, current gaps in his active duty orders resulted in breaks in medical coverage and coverage under the Transitional Assistance Management Program-180 which never should have been triggered. As a result of the gaps between his orders under the Reserve Component Warriors in Transition Medical Retention Program (MRP) and his orders the Reserve Component Managed Care-Mobilization (RCMC-M) program, he was not paid, did not accrue leave, and did not have accurately sponsored benefits from 17 October 2020 to 6 November 2020 and again from 6 January 2021 to 24 February 2021 as a wounded warrior. He is missing a minimum 2.37 months (71 days) of what should have been continuous active duty recovery status under the provisions of Title 10, U.S. Code, Section 12301(h) in accordance with Department of Defense Instruction 1241.01, dated 19 April 2016. If corrected, he will have one continuous DD Form 214 with an end date of 23 June 2021.
3. After serving in the Regular Army for nearly 8 years, on 19 January 2016, the applicant enlisted in the North Carolina Army National Guard (NCARNG).
4. Orders 29-211-0006 issued by the State of North Carolina, Office of The Adjutant General, Raleigh, NC on 30 July 2019 show the applicant was ordered to active duty in support of Operation Enduring Freedom (Spartan Shield) under the authority of Title 10, U.S. Code, Section 12302 for a period of 400 days.
5. Orders BL-283-0139 and BL-283-0139 (A1) issued by U.S. Army Installation Management Command, Headquarters, U.S. Army Garrison, Fort Bliss, Fort Bliss, TX on 10 October 2019 show the applicant was deployed in a TCS status to Kuwait in support of Operation Enduring Freedom (Spartan Shield) for a period not to exceed 337 days commencing on or about 14 October 2019. Orders BL-283-0139 (A2), dated 29 October 2019, amended his TCS orders to show he would also perform duty in Saudi Arabia.
6. Orders 29-211-0006 (A2) issued by the State of North Carolina, Office of The Adjutant General, Raleigh, NC on 30 July 2020, amended the duration of his mobilization from 400 days to 483 days.
7. Orders BL-283-0139 (A3) issued by U.S. Army Installation Management Command, Headquarters, U.S. Army Garrison, Fort Bliss, TX on 11 August 2020 amended the duration of his TCS status from 337 days to 309 days.
8. Orders: MM-0224-00014 issued by Headquarters, U.S. Army Medical Command, Fort Sam Houston, TX on 11 August 2020 show the applicant was retained on active duty under the provision of Title 10 U.S. Code, Section 12301(h) for the purpose of

participating in the Reserve Component Warriors in Transition MRP for a period of 60 days ending on 16 October 2020. If applicable, all retention/disability processing must be concluded before orders expired.

9. Orders 29-211-0006 (A3) issued by the State of North Carolina, Office of The Adjutant General, Raleigh, NC on 12 August 2020, amended the duration of his mobilization from 483 days to 372 days.

10. NGB, Arlington, VA memorandum, Subject: Line of Duty (LOD) Determination [Applicant], dated 7 October 2020, show the applicant's right wrist carpal joint sprain and right wrist strain that occurred during Operation Enduring Freedom (Spartan Shield) was approved "In Line of Duty."

11. A DD Form 214 shows the applicant was ordered to active duty in support of Operation Enduring Freedom (Spartan Shield) in accordance with Title 10, U.S. Code, Section 12302, on 12 August 2019 for 372 days (Orders 29-211-0006 (A3)). He was retained on active duty under the provision of Title 10 U.S. Code, Section 12301(h) Reserve Component Warriors in Transition MRP for completion of medical evaluation from 12 August 2020 to 16 October 2020 (Orders MM-0224-00014). He was released from active duty on 16 October 2020 under the provisions of Army Regulation 635-200 (Active Duty Enlisted Administrative Separations), Chapter 4, upon completion of required active service. He completed 1 year, 2 months, and 5 days of active service this period.

12. Orders: NG-0307-00007 issued by NGB, ARNG, Arlington, VA on 2 November 2020 show the applicant was ordered to active duty under the provision of Title 10 U.S. Code, Section 12301(h) for the purpose of participating in the RCMC-M program for managed medical care for a period of 60 days beginning on 7 November 2020 and ending on 5 January 2021.

13. Orders: NG-1056-00005 issued by NGB, ARNG, Arlington, VA issued by NGB, ARNG, Arlington, VA on 25 February 2021 show the applicant was ordered to active duty under the provision of Title 10 U.S. Code, Section 12301(h) for the purpose of participating in the RCMC-M program for managed medical care for a period of 119 days beginning on 25 February 2021 and ending on 23 June 2021.

14. The applicant's NGB Form 23 (ARNG Current Annual Statement), dated 12 February 2024, shows the break in his mobilized status from 17 October 2020 to 6 November 2020. It also shows the break between his mobilized status and his Active Guard Reserve status from 6 January 2021 to 24 February 2021.

15. In addition to the previously discussed evidence, the applicant provides the following documents which are available in their entirety for the Board's consideration.

a. A DAMPS Order Audit screen print which shows the gaps between his periods of active duty total 71 days (2.37 months).

b. The Adjutant General for the State of North Carolina, Department of Public Safety, Joint Force Headquarters, North Carolina National Guard rendered a memorandum, Subject Request to Expedite Army Board for Correction of Military Records (ABCMR) in the Restoration of Medical Benefits, Pay and Allowances on 26 February 2024, wherein he requested the ABCMR expedite action in the restoration of medical benefits, pay and allowances for Service Members of the NCARNG who mobilized with the 30th Armored Brigade Combat Team in support of Operation Enduring Freedom (Spartan Shield). The Adjutant General stated:

(1) Upon Release from Active Duty, several Service Members experienced a break in service in their active-duty orders, which resulted in a lapse of medical care and suspension of pay and allowances. This created severe hardship and duress to the Service Members and their families, due to incurring out of pocket costs for medical care, coupled with loss of pay and benefits. In some cases, medical care was 'not provided at all.

(2) This organization has been diligently trying to rectify this situation and the hardship that has been placed upon our Service Members and their families for several years but has yet to receive any determination to our requests. In accordance with Title 10 U.S. Code, Section 12301(h), Reserve Component Soldiers activated in time of war or national emergency and placed in an active status are to receive authorized medical care; to be medically evaluated for disability or other purposes; or complete a required Department of Defense health care study, which may include an associated medical evaluation of the member.

(3) Regardless of the mechanism of failure, it is inappropriate for the Service Members and their families to bear the brunt of inadequate planning and administrative shortfalls from either human or human resources systems errors. Given the length of time our Service Members have been waiting, I request that the ABCMR expedite these cases.

BOARD DISCUSSION:

After reviewing the application, all supporting documents, and the evidence found within the military record, the Board found that relief was warranted. The applicant's contentions, the military record, and regulatory guidance were carefully considered. The Board majority concluded the applicant sustained a LOD injury during Operation Enduring Freedom (Spartan Shield). He was subsequently placed on 12301(h) orders due to the LOD on 18 August 2020 once returning from mobilization. He had a break in

orders from 17 October 2020 to 23 June 2021. The applicant should have been retained on medical orders until he was return to duty eligible or completed the Integrated Disability Evaluation System process. The applicant should have been on continuous Title 10, USC, section 12301(h) orders from 12 August 2019 23 June 2021. The Board minority found insufficient evidence to determine an error or injustice.

BOARD VOTE:

Mbr 1 Mbr 2 Mbr 3

■	■	:	GRANT FULL RELIEF
:	:	:	GRANT PARTIAL RELIEF
:	:	:	GRANT FORMAL HEARING
:	:	■	DENY APPLICATION

BOARD DETERMINATION/RECOMMENDATION:

The Board determined the evidence presented is sufficient to warrant a recommendation for relief. As a result, the Board recommends that all Department of the Army and Army National Guard records of the individual concerned be corrected by:

- amending Orders Number MM-0224-00014, Headquarters U.S. Army Medical Command, dated 11 August 2020, to show 18 August 2020 through 23 June 2021
- entitlement to back pay and allowances as a result of this correction
- correction of his NGB Form 23A with applicable time
- amendment of his DD Form 214 to show in:
 - item 12b: 23 June 2021
 - item 12c: 1 year, 10 months, and 12 days

■

■

■

I certify that herein is recorded the true and complete record of the proceedings of the Army Board for Correction of Military Records in this case.

REFERENCES:

1. Title 10, USC, Section 1552(b), provides that applications for correction of military records must be filed within three years after discovery of the alleged error or injustice. This provision of law also allows the ABCMR to excuse an applicant's failure to timely file within the three-year statute of limitations if the ABCMR determines it would be in the interest of justice to do so.
2. Title 10 U.S. Code, Section 12301(h) provides:
 - a. When authorized by the Secretary of Defense, the Secretary of a military department may, with the consent of the member, order a member of a reserve component to active duty:
 - (1) to receive authorized medical care;
 - (2) to be medically evaluated for disability or other purposes; or
 - (3) to complete a required Department of Defense health care study, which may include an associated medical evaluation of the member.
 - b. A member ordered to active duty under this subsection may, with the member's consent, be retained on active duty, if the Secretary concerned considers it appropriate, for medical treatment for a condition associated with the study or evaluation, if that treatment of the member is otherwise authorized by law.
 - c. A member of the Army National Guard of the United States or the Air National Guard of the United States may be ordered to active duty under this subsection only with the consent of the Governor or other appropriate authority of the State concerned.
3. Army Regulation 635-8 (Separation Processing and Documents) states the DD Form 214 is a summary of the Soldier's most recent period of continuous active duty. It provides a brief, clearcut record of all current active, prior active, and prior inactive duty service at the time of release from active duty, retirement, or discharge. Source documents will consist of separation approval documents to include separation orders. Block Item 12b (Separation Date This Period) will contain the Soldier's transition date. This date may not be the contractual date if the Soldier was separated early, voluntarily extends, is extended to make up lost time, or is retained on active duty for the convenience of the Government. Block 12c (Net Active Service this Period); amount of service this period, computed by subtracting block 12a (Date Entered Active Duty this Period) from 12b. Source documents, as listed below, must be present in a Soldier's record in order to complete the DD Form 214. Source documents will consist of:

- Service Member's Record Brief
- Separation approval documents
- Separation order
- Any other document authorized for filing in the Army Military Human Resources Record

4. Army Regulation 600-8-105 (Military Orders) provides that orders are published to order individuals onto active duty or change the status of military personnel on active duty. Only the organization that published the original order may amend, rescind, or revoke the order. When there is no evidence of fraud or obvious error and the Soldier received actual or constructive delivery, orders discharging a Soldier from the service will not be revoked after the effective date of discharge unless the revocation is a written confirmation of verbal orders issued before the effective date of discharge. An order may be corrected by the organization that published the original order to show the true state of affairs existing at the time the original order was published. Orders may only be changed to reflect facts that existed when the original order was published.

//NOTHING FOLLOWS//